

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

HILDENE OPPORTUNITIES MASTER)
FUND LTD,)
Plaintiff,)
vs.) Case No. 14-1110-CV-W-ODS
ARVEST BANK, BANNISTER)
BANCSHARES, INC. and)
JEFFREY JERNIGAN,)
Defendants.)

ORDER OF JUDGMENT

On February 15, 2017, the Court granted summary judgment in Defendant Arvest Bank's favor on its statute of limitations defense and as to Count I, granted summary judgment in Defendant Bannister Bancshare Inc.'s ("Bannister") favor on Count II, and granted summary judgment in Plaintiff Hildene Opportunities Master Fund LTD's ("Hildene") favor on Count III. Doc. #203. Because the Court found Bannister liable for principal and interest due under the Bannister Indenture, the Court directed Hildene to file a sworn declaration indicating the total amount due to Hildene as a result of the Court's Order. *Id.*, at 17-18. Bannister was permitted to file a reply to Hildene's sworn declaration. *Id.*

Hildene's affidavit establishes the total principal and interest due under the Bannister Indenture, as of March 15, 2017, was \$26,021,128.11. Doc. #205. Hildene also established interest on the Bannister Indenture accrues at a per diem rate of \$2,777.88. *Id.* Bannister did not oppose Hildene's calculations. Doc. #206.

The Court finds Bannister liable in the amount of \$26,062,796.30, representing principal and interest in the amount of \$26,021,128.11 due as of March 15, 2017, in addition to \$41,668.20, representing per diem interest accrued between Hildene's March 15, 2017 filing and today's Order. Judgment is entered in favor of Hildene and against Bannister in the amount of \$26,062,796.30.

IT IS SO ORDERED.

DATE: March 30, 2017

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT